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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,749	08/05/2003	Jerrold V. Hauck	APPL-P2834 DVD	9668
28661	7590	12/13/2006	EXAMINER	
SIERRA PATENT GROUP, LTD. 1657 Hwy 395, Suite 202 Minden, NV 89423				JUNG, MIN
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 12/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

SK

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/635,749	HAUCK ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Min Jung	2663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 28 September 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-44 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 1-4-8, 19, 22-26 and 37-39 is/are allowed.  
 6) Claim(s) 2, 3, 9-18, 20, 21, 27-36 and 40-44 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 2, 3, 9-18, 20, 21, 27-36 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding claims 2, 9-13, 20, 21, 27-31, “a computer readable medium” and “a computer readable device having a medium----“ recited seem to include not only the computer readable storage medium, but also transmission mediums from interpreting the description at page 14, paragraphs [0056] and [0057]. To make the claims statutory, it is recommended to recite the preamble as “a computer readable storage medium containing computer executable instructions”.

Further regarding claim 3, 14-18, and 32-36, it is not clear what is being claimed; it cannot be determined whether this claim satisfies 101 requirements. “a device” and “a storage device” need to be clarified to recite language acceptable to embody computer executable instructions, such as “a computer readable storage medium containing computer executable instructions----“.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 40-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stone et al., US 6,519,657 (Stone).

Stone discloses a method and device for identifying an active 1394a node attached to a 1394b network.

Specifically regarding claims 40, 41, 43, and 44, Stone teaches In a full-duplex communications system comprising a plurality of nodes within a cloud compliant with the P1394b standard (Fig. 5), a method for identifying a senior node comprising the acts of: determining whether one of the plurality of nodes was a node within the cloud to transmit a self-ID packet (border node transmits self-ID packet, col. 4, lines 63-67); and marking the node as the senior border node if the one node was the node within the cloud to transmit a self-ID packet (the node transmitting the self-ID packet is assumed to be a border node from interpreting the teaching, col. 4, lines 63-67). Note that the term "senior border node" is not given much weight since no functional limitation is found in the claim language, which distinguishes the senior border node from a border node. Stone lacks specific teaching of temporal significance of when the self-ID packet was transmitted (i.e., "the last node"). However, it would have been obvious for one of ordinary skill in the art at the time of the invention to implement the border node identification process by considering the most recent transmissions in order to exclude any outdated transmission activities. The evaluation of border node for each of the nodes is inherent.

Regarding claim 42, Stone further teaches a plurality of devices operating according to a protocol using a single request type for both asynchronous and isochronous arbitration (1394a devices).

***Allowable Subject Matter***

4. Claims 1, 4-8, 19, 22-26, 37-39 are allowed.

***Response to Arguments***

5. Applicant's arguments with respect to claims 1-44 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

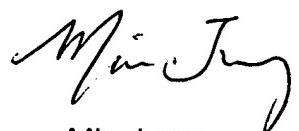
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Park patent, the Ikeda et al. patent, and the Humpleman et al. patent are cited for further references.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Min Jung whose telephone number is 571-272-3127. The examiner can normally be reached on Monday through Friday 9:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 571-272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MJ  
December 10, 2006



Min Jung  
Primary Examiner